

REMARKS

The Office Action of January 19, 2007, has been received and reviewed.

Claims 1-25 and 53-97 are pending and under consideration in the above-referenced application. No grounds of rejections have been presented against any of claims 87, 89-90, or 92-97. Claims 1-25, 53-86, 88, and 91 stand rejected.

Claim 24 has been canceled without prejudice or disclaimer.

Reconsideration of the above-referenced application is respectfully requested.

Objection to the Drawings

The drawings have been objected to pursuant to 37 C.F.R. § 1.83(a) for purportedly failing to illustrate every feature specified in the claims.

Specifically, the Office has objected to the drawings because they do not illustrate “hardware in the data processor,” as recited in claim 81. Claim 81 has been revised to remove reference to “hardware in the data processor,” rendering the objection to the drawings moot and broadening the scope of claim 81.

Accordingly, withdrawal of the 37 C.F.R. § 1.83(a) objection to the drawings is respectfully requested.

New Matter Objection under 35 U.S.C. § 132

The amendment of July 8, 2005, has been objected to for introducing new matter into the above-referenced application. Specifically, it has been asserted that the recitation “hardware in the data processor” in claim 81 is not supported by the as-filed specification. This recitation has been removed from claim 81, rendering the new matter rejection moot and broadening the scope of claim 81.

The Office has also objected to the amendment of October 17, 2006, because the recitation “output light... of about 2,500 lux or less at a distance of about 6 inches to about 12 inches from the plurality of light sources” in independent claim 1, assertedly introduces new matter into the above-referenced application. This recitation has been replaced with “output

light... of about 1,000 lux to about 2,000 lux at a distance of about 6 inches to about 12 inches...,” which is supported by the as-filed specification at paragraph [0040].

Withdrawal of the new matter objections under 35 U.S.C. § 132 is respectfully requested.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-25, 57-72, 81, and 86 have been rejected for alleged noncompliance with the written description requirement of 35 U.S.C. § 112, first paragraph.

No indication has been given as to why claims 21-25 have been rejected, nor is the reason for rejecting these claims apparent, as none of them recites “hardware in the data processor” or “output light... of about 2,500 lux or less at a distance of about 6 inches to about 12 inches from the plurality of light sources.”

Claim 1 and its dependent claims 2-20, 57-72, and 86 have been rejected for including the “about 2,500 lux or less” limitation. As this limitation has been removed from independent claim 1, it is respectfully submitted that the 35 U.S.C. § 112, first paragraph, rejections of claims 1-20, 57-72, and 86 are moot.

Claim 81 was rejected for including the language “hardware in the data processor.” As noted, this language has been removed from claim 81, rendering the rejection moot and broadening the scope of claim 81.

It is respectfully submitted that each of claims 1-25, 57-72, 81, and 86 complies with the written description requirement of the first paragraph of 35 U.S.C. § 112. Accordingly, withdrawal of the 35 U.S.C. § 112, first paragraph, rejections of claims 1-25, 57-72, 81, and 86 is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 58, 59, 62, 63, 65-68, 78, 79, 83-85, 88, and 91 are rejected under 35 U.S.C. § 112, second paragraph, for reciting subject matter that is purportedly indefinite. In particular, it has been asserted that each of claims 58, 59, 62, 63, 65-68, 78, and 79 fails to further limit the subject matter from the claim or claims from which it depends.

The additional structural limitation of each of claims 58, 59, 62, 63, 67, 68, 78, 79 resides in the functionality of the data processor recited therein.

Claim 58, which depends from independent claim 1, recites that the light therapy apparatus of independent claim 1 further comprises a data processor. As amended, claim 58 recites that the data processor controls output of the light output device. As a data processor is not a required element of independent claim 1, it is respectfully submitted that claim 58 further limits the subject matter recited in independent claim 1.

Claim 59 depends from claim 58. Claim 59 recites that the data processor of claim 58 is configured to calculate a period of time that therapeutic light is to be delivered to a subject, whereas claim 58 includes no such requirement.

Claim 62 also depends from claim 58, while claim 78 depends from claims 76 and 73. Claims 62 and 78 recite that the data processor of the device recited in claims 58 and 76, respectively, is configured to determine the amount of therapeutic light or the timing of therapeutic light to be delivered to a subject. As claims 58 and 76 do not include this requirement, claims 62 and 78 further limit the subject matter recited in claims 58 and 76, respectively.

Claims 63 and 79, which depend from claims 62 and 78, respectively, further limit the subject matter of claims 62 and 78 by indicating that the amount of therapeutic light delivered to the subject may, instead of merely being controlled, simulate gradually decreasing light at dusk or simulate gradually increasing light at dawn.

In claim 65, which depends from claims 64, 58 and 1, the data input device is configured to receive data regarding a subject, a requirement that is not present in claim 64, in which the data input device is introduced.

Claim 66 also depends from claim 64, and further requires that the data input device be configured to receive data regarding travel that would affect the amount or timing of light that is to be delivered to a subject.

The additional structural limitation of both claim 65 and claim 66 is the type of data or information that the data input device is configured to receive.

Claim 67, which depends from claims 64, 58, and 1 includes the additional limitation that the data processor of claim 58 be configured to execute an embedded algorithm to process data input with the data input device of claim 64 for controlling the amount and timing of therapeutic light to be delivered to a subject.

Claim 68 depends from claim 67 and further limits the device of claim 67 by requiring that the algorithm comprise software in the data processor.

As each of claims 58, 59, 62, 63, 65-68, 78, and 79 presents an additional structural or functional limitation that further limits the scope of a prior claim, it is respectfully submitted that each of these claims is in condition for allowance under 35 U.S.C. § 112, second paragraph, and that the § 112, second paragraph, rejections of each of these claims should be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-5, 7-13, 18-21, 24, 53-57, 70-75, and 83-85 have been rejected under 35 U.S.C. § 102.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

With respect to inherency, M.P.E.P. § 2112 provides:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) . . . ‘To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill . . .’ *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1991).

Bamber

Claims 1, 12, 19, 56, and 57 stand rejected under 35 U.S.C. § 102(b) for being drawn to subject matter that is purportedly anticipated by the subject matter described in U.S. Patent 5,467,258 to Bamber et al. (hereinafter “Bamber”).

Independent claim 1 is drawn to a light therapy apparatus. The light therapy apparatus of amended independent claim 1 includes a light output device. The hand-held light output device of amended independent claim 1 includes a plurality of light sources that emit light in the same general direction. The output light is suitable for ocular light therapy, having a maximum illumination level of about 2,500 lux at about 6 inches to about 12 inches.

The description of Bamber is limited to a flashlight 11 with two light sources 15 and 16, one (light source 15) in an end, or head 13, thereof and the other (light source 16) in the handle 14 of the flashlight 11. Col. 2, lines 10-19; FIGs. 1-8. As is evident from the drawings of Bamber, the two light sources 15 and 16 of that flashlight 11 are not oriented to emit light in the same general direction. Nor does Bamber expressly or inherently describe as much.

Therefore, it is respectfully submitted that, under 35 U.S.C. § 102(b), Bamber does not anticipate each and every element of amended independent claim 1.

Claims 12, 19, 56, and 57 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Claim 56 is also allowable because Bamber does not expressly or inherently describe that the two lamps of the flashlight disclosed therein are configured to output light of about 1,000 lux to about 2,000 lux at a distance of about 6 inches to about 12 inches.

Marsh

Each of claims 1-4, 7-13, 19, 21, 24, 53-57, 70-75, and 83-85 is rejected under 35 U.S.C. § 102(b) for reciting subject matter that is assertedly anticipated by the disclosure of U.S. Patent 6,135,620 to Marsh (hereinafter “Marsh”).

In the rejection of claims 1-4, 7-13, 19, 21, 24, 53-57, 70-75, and 83-85, an assumption has apparently been made that the high-intensity light output by the lights of the traffic signal embodiment of Marsh must be “greater than 10,000 lux.” This assumption is not supported by

Marsh, nor has the Office provided any other evidence in its support. In any event, it is respectfully submitted that Marsh does not anticipate each and every element of any of claims 1-4, 7-13, 19, 21, 24, 53-57, 70-75, and 83-85.

With respect to independent claim 1, as amended and presented herein, it is respectfully submitted that Marsh lacks any express or inherent description of a light therapy apparatus that includes a plurality of light sources and “a portable housing having a maximum peripheral dimension of ten inches, carrying... the light output device, and configured to be placed upon a generally horizontal surface in an upright position.

The only portion of the description of Marsh that relates to a device with more than one light source is a traffic signal. As is well known in the art, due to the typical large (eight inch or twelve inch) diameter of the lights used in traffic signals, all of the peripheral dimensions of traffic signals far exceed the ten inch limit recited in amended independent claim 1.

Moreover, Marsh does not expressly or inherently describe a traffic signal with a housing that is “portable” or “configured to be placed upon a generally horizontal surface in an upright position.”

Furthermore, Marsh includes no express or inherent description of a traffic signal that includes a housing within which a power supply is disposed.

As Marsh does not expressly or inherently describe each and every element of amended independent claim 1, it is respectfully submitted that, under 35 U.S.C. § 102(b), the subject matter recited in amended independent claim 1 is allowable over the disclosure of Marsh.

Each of claims 2-4, 7-13, 19, 53-57, and 70-72 is allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Claim 18 is further allowable since Marsh includes no express or inherent description of a manual timer.

Claim 56 is also allowable because Marsh includes no express or inherent description of a light therapy apparatus that includes a light output device with a plurality of light sources that are configured to output light of about 1,000 lux to about 2,000 lux at a distance of about 6 inches to about 12 inches.

Claim 70 is additionally allowable because Marsh lacks any express or inherent description of a light therapy apparatus that includes a transition member that transitions from a closed position over the plurality of light sources to an open position by which the transition member acts as a base to support a light output device of the apparatus in an upright position.

Claim 71 depends from claim 70 and is further allowable since Marsh neither expressly nor inherently describes a light therapy apparatus with a transition member that, when in an open position, is configured to rest flat on a surface.

Claim 72 also depends from claim 70, and is additionally allowable because Marsh provides no express or inherent description of a light therapy apparatus with a transition member that is configured to rotate about a portable housing.

Independent claim 21, as amended and presented herein, is drawn to a light therapy device that includes a portable housing that carries a power supply and a light output device including a plurality of CCFL tubes, and that is configured to be placed upon a generally horizontal surface in an upright position.

Again, Marsh lacks any express or inherent description of a device that includes a housing that carries a plurality of light sources and that is configured to be placed upon a generally horizontal surface in an upright position.

As Marsh does not expressly or inherently describe each and every element of amended independent claim 21 in identical detail to that recited in the claim, Marsh does not anticipate each and every element of amended independent claim 21, as would be required to maintain the 35 U.S.C. § 102(b) rejection of that claim.

Claim 24 has been canceled without prejudice or disclaimer, rendering its rejection moot.

Independent claim 73, as amended and presented herein, is directed to a light therapy device that includes a light source that includes a plurality of light emitting diodes (LEDs). The light source is carried by a portable housing. The portable housing is configured to be placed upon a generally horizontal surface in an upright position. The portable housing, the light source,

and a portable power supply (which is also carried by the portable housing), have a maximum weight of about four pounds.

None of the devices described in Marsh includes LEDs. They all include CCFLs. Moreover, the only device described in Marsh that includes multiple power sources is a traffic signal. The housing of a traffic signal is not portable, nor is it configured to be placed upon a generally horizontal surface in an upright position. It is configured to be maintained at a fixed location. Furthermore, Marsh lacks any express or inherent description that the housing of a traffic signal carries a power supply of any type, let alone a portable power supply. In addition, it is well known that a traffic signal does not weight four pounds or less.

Therefore, Marsh does not expressly or inherently describe each and every element of amended independent claim 73 in identical detail to that recited in the claim. As such, under 35 U.S.C. § 102(b), the subject matter recited in amended independent claim 73 is allowable over the subject matter described in Marsh.

Claims 74 and 75 are both allowable, among other reasons, for depending directly from independent claim 73, which is allowable.

Claim 74 is further allowable since Marsh does not expressly or inherently describe that the traffic signal disclosed therein includes a portable battery unit.

Claim 75 is additionally allowable because Marsh lacks any express or inherent description of a device with a plurality of LEDs arranged in a matrix.

Independent claim 83, as amended and presented herein, is drawn to a light therapy device with a light source, a portable housing and a transition member. The transition member, which is pivotally connected to the portable housing, has a closed position for covering the light source and an open position for supporting the portable housing in an upright position.

Marsh does not expressly or inherently describe a light therapy device with a transition member that may be closed to cover a light source and opened to support the portable housing in an upright position.

Therefore, Marsh does not anticipate each and every element of amended independent claim 83, as would be required to maintain the 35 U.S.C. § 102(b) rejection of that claim.

Claims 84 and 85 are both allowable, among other reasons, for depending directly from independent claim 83, which is allowable.

Claim 84 is further allowable since Marsh neither expressly nor inherently describes a light therapy apparatus with a transition member that, when in an open position, is configured to rest flat on a surface.

Claim 85 is additionally allowable because Marsh provides no express or inherent description of a light therapy apparatus with a transition member that is configured to rotate about a portable housing.

Kuelbs

It has also been asserted that U.S. Patent 6,612,713 to Kuelbs (hereinafter “Kuelbs”) anticipates, under 35 U.S.C. § 102(b), the subject matter to which each of claims 1-4, 7-13, 19, 21, 24, 53-57, 70-75, and 83-85 is directed.

With respect to the subject matter recited in independent claim 1, Kuelbs does not expressly or inherently describe a light therapy apparatus that includes a portable housing that carries a plurality of light sources or that has a maximum peripheral dimension of ten inches. Instead, the description of Kuelbs is limited to a patio umbrella 11 with a large canopy 17. Rib members 19, 21, 23, 25 of the canopy 17, not a portable housing, carry CCFLs 26.

For these reasons, it is respectfully submitted that Kuelbs does not anticipate each and every element of amended independent claim 1, as would be required to maintain the 35 U.S.C. § 102(b) rejection of amended independent claim 1.

Claims 2-4, 7-13, 19, 56, 57, and 70-72 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Claim 4 is further allowable since the lights of the patio umbrella of Kuelbs are radially arranged—they are not arranged in a parallel relationship.

Claim 9 is also allowable because Kuelbs includes no express or inherent description of a light therapy apparatus with a plurality of LED devices arranged in a matrix.

Claim 10 is further allowable since there is no express or inherent description in Kuelbs of a lens between LED devices and a subject.

Claims 53-55 were previously canceled without prejudice or disclaimer. Thus, the rejections of these claims are moot.

Claim 56 is additionally allowable because Kuelbs neither expressly nor inherently describes that the lights of the patio umbrella described therein are configured to output light of about 1,000 lux to about 2,000 lux at a distance of about 6 inches to about 12 inches therefrom.

Claim 71 depends from claim 70 and is further allowable since Kuelbs neither expressly nor inherently describes a light therapy apparatus with a transition member that, when in an open position, is configured to rest flat on a surface. The canopy 17 of the patio umbrella 11 described in Kuelbs is not configured to rest flat on a surface.

Claim 72 also depends from claim 70, and is additionally allowable because Kuelbs provides no express or inherent description of a light therapy apparatus with a transition member that is configured to rotate about a portable housing. Instead, the canopy 17 of the patio umbrella 11 of Kuelbs folds between open and closed positions.

Amended independent claim 21 requires that the CCFLs of the recited light therapy device be oriented substantially parallel to one another. As the description of Kuelbs is limited to a patio umbrella 11 with lights 26 that are radially arranged, rather than oriented in substantially parallel relation, Kuelbs does not anticipate each and every element of amended independent claim 21, as would be required to maintain the 35 U.S.C. § 102(b) rejection of independent claim 21.

In view of the cancellation of claim 24 without prejudice or disclaimer, the rejection of claim 24 is moot.

With respect to the subject matter recited in independent claim 73, Kuelbs includes no express or inherent description that the patio umbrella thereof includes a portable housing that carries a light source and a portable power supply, with the housing, the light source, and the power supply having a maximum weight of about four pounds.

Claims 74 and 75 are both allowable, among other reasons, for depending directly from claim 73, which is allowable.

Independent claim 83, as amended and presented herein, is directed to a light therapy device that includes a light source configured to emit therapeutic ocular light. The device of independent claim 83 also includes a portable housing and a transition member. The transition member provides a cover for the light source when in a closed position and serves as a base for supporting the portable housing in an upright position when in an open position.

It is respectfully submitted that Kuelbs does not expressly or inherently describe several elements of amended independent claim 83. The ribs 19, 21, 23, 25 of the patio umbrella 11 of Kuelbs carry light sources 26. While the ribs 19, 21, 23, 25 of a canopy 17 of that patio umbrella 11 pivot relative to a pole 15 of the patio umbrella 11, they cannot pivot relative to themselves (if they are to be considered to be analogous to the portable housing of amended independent claim 83) and are not configured to support any portion of the patio umbrella 11 in an upright position when opened (if they are to be considered analogous to the transition member of amended independent claim 83). Instead, a separate element – a removable base – which is not pivotally connected to any other element of the patio umbrella 11 of Kuelbs, supports all other features of the patio umbrella 11 in its upright position.

As Kuelbs does not anticipate each and every element of amended independent claim 83, under 35 U.S.C. § 102(b), the subject matter recited in amended independent claim 83 is allowable over the subject matter described in Kuelbs.

Claims 84 and 85 are both allowable, among other reasons, for depending directly from claim 83, which is allowable.

Claim 84 is further allowable because the patio umbrella 11 of Kuelbs lacks a transition member that is configured to rest flat on a surface when pivoted to an open position.

Claim 85 is additionally allowable since Kuelbs neither expressly nor inherently describes any feature of the patio umbrella 11 described therein is configured to rotate about a portable housing that contains a light source, between an open position and a closed position.

Withdrawal of the 35 U.S.C. § 102 rejections of claims 1-5, 7-13, 18-21, 24, 53-57, 70-75, and 83-85 is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4-6, 13-18, 21-25, 58-69, and 76-82 stand rejected under 35 U.S.C. § 103(a).

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Whichter, Arao, and HP User's Guide

Claims 1, 2, 4-6, 13-18, and 21-25 have been rejected under 35 U.S.C. § 103(a) for being drawn to subject matter that is assertedly unpatentable over the subject matter taught in U.S. Patent 6,381,124 to Whichter et al. (hereinafter "Whichter"), in view of teachings from U.S. Patent 6,596,571 to Arao et al. (hereinafter "Arao") and "HP Jornada 700 Series Handheld PC User's Guide (hereinafter "HP User's Guide"), and, further, in view of statement in the BACKGROUND section of the above-referenced application that batteries may be used to power cold cathode fluorescent lights (CCFLs).

It is respectfully submitted that there are at least two reasons that teachings from Whichter, Arao, and the HP User's Guide cannot be relied upon to establish a *prima facie* case of obviousness against any of the claims of the above-referenced application.

It is respectfully submitted that, without the benefit of hindsight that has been provided to the Office by the disclosure and claims of the above-referenced application, one of ordinary skill in the art wouldn't have been motivated to combine teachings from Whichter, Arao, and the HP User's Guide in the manner that has been asserted. This is because one of ordinary skill in the art of light therapy devices, as recited in the claims of the above-referenced application, would have

no reason to apply teachings from laptop computers and other portable electronic devices with backlit LCD screens to light therapy devices. The backlit LCD screens of laptop computers and other portable electronic devices have very low power requirements and, consequently, output very little light. As such, one in the art of light therapy devices would not consider the light components of such devices to output light that is suitable for ocular light therapy.

Nor does Whichter include any teaching or suggestion that the CCFL backlights for a computer monitor will output light suitable for ocular light therapy, as would be required for Whichter to teach or suggest each and every element of independent claim 1. Like Whichter, Arao and the HP User's Guide, as well as the BACKGROUND section of the above-referenced application, each lack any teaching or suggestion of a device that includes light sources that may output light suitable for use in ocular light therapy.

Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established against either independent claim 1 or independent claim 21, as would be required to maintain the 35 U.S.C. § 103(a) rejections of these claims.

Each of claims 2, 4-6, and 13-18 is allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Claim 5 is additionally allowable because each of Whichter, Arao, the HP User's Guide, and the BACKGROUND section of the above-referenced application lacks any teaching or suggestion of reflectors that are positioned behind CCFL tubes.

Claim 6, which depends from claim 5, is also allowable since none of Whichter, Arao, the HP User's Guide, or the BACKGROUND section of the above-referenced application teaches or suggests parabolic reflectors positioned behind CCFL tubes, with each CCFL tube being disposed at the focal point of a parabolic reflector.

Claims 22, 23, and 25 are each allowable, among other reasons, for depending directly or indirectly from claim 21, which is allowable.

Claim 22 is additionally allowable because each of Whichter, Arao, the HP User's Guide, and the BACKGROUND section of the above-referenced application lacks any teaching or suggestion of reflectors that are positioned behind CCFL tubes.

Claim 23, which depends from claim 22, is also allowable since none of Whichter, Arao, the HP User's Guide, or the BACKGROUND section of the above-referenced application teaches or suggests parabolic reflectors positioned behind CCFL tubes, with each CCFL tube being disposed at the focal point of a parabolic reflector.

Claim 24 has been canceled without prejudice or disclaimer, rendering its rejection moot.

Whichter in View of Terman

Claims 58-69 and 76-82 also stand rejected under 35 U.S.C. § 103(a). The rejections of claims 58-69 and 76-82 are based upon teachings from Whichter, in view of the subject matter taught in U.S. Patent 5,589,741 to Terman (hereinafter "Terman").

Claims 58-69 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Each of claims 76-82 is allowable, among other reasons, for depending directly or indirectly from claim 73, which is allowable.

Furthermore, without the hindsight that has been provided to the Office, one of ordinary skill in the art wouldn't have been motivated to combine teachings from Whichter and Terman in the asserted fashion. While the teachings of Whichter relate to backlit LCD displays for electronic devices, the teachings of Terman relate to light therapy devices. There would be no reason for one of ordinary skill in the art to replace the room light of Terman with the backlit LCD screen of Whichter. Moreover, as the amount of light output by backlit LCD displays is inadequate for ocular light therapy, there would be no reason for one of ordinary skill in the art to assume or expect that a backlit LCD display could be used in place of the room lights of the system disclosed in Terman.

Therefore, it is respectfully submitted that the Office has not established a *prima facie* case of obviousness against any of claims 58-69 or 76-82, as would be required to maintain the 35 U.S.C. § 103(a) rejections of these claims.

It is respectfully requested that the 35 U.S.C. § 103(a) rejections of claims 1, 2, 4-6, 13-18, 21-25, 58-69 and 76-82 be withdrawn and that each of these claims be allowed.

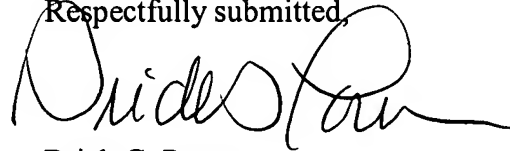
Allowable Subject Matter

As no rejections have been presented against any of claims 87, 89-90, or 92-97, each of these claims is presumed to be allowable.

CONCLUSION

It is respectfully submitted that each of claims 1-23, 25, and 56-97 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", written over the typed name.

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